Romallus O. Murphy of Greensboro, North Carolina. The meaningful accomplishments of Romallus Murphy have affected the lives of many people across the State of North Carolina and across this Nation. On October 14, 2006, this great American will be justly honored by the North Carolina State Conference of the National Association for the Advancement of Colored People, NAACP, for his many meaningful years of remarkable service. At the Conference they will also announce a fitting tribute, the establishment of an Annual Continuing Legal Education Program bearing the name of Romallus Murphy. The yearly award will assist lawyers in refining their skills and renewing their dedication to honorable, steadfast service which has been the hallmark of his career.

Mr. Speaker, Romallus Murphy served as Chair of the Legal Redress Committee of the North Carolina Conference of the NAACP since the 1960s. Over the last half-century, he and those he has inspired have given invaluable counsel to clients and young lawyers alike who were and still are engaged in dismantling the old walls that have divided people of North Carolina along artificial lines of color and creed.

Romallus Murphy is a native of Houston, Texas. He attended college at Howard University in Washington, DC, and graduated in 1951. He briefly attended the School of Law at Howard University but finished his legal education at the University of North Carolina School of Law in 1956 where he was the only student of color.

Mr. Speaker, Romallus Murphy began his legal career in my home community of Wilson, North Carolina. He was the only African-American attorney in this eastern North Carolina community. As such, he was a role model to countless individuals. I attribute my desire to become a lawyer to the tremendous impression he made upon my young life.

Mr. Speaker, in 1957 the Wilson City Council changed its election procedure to require at-large elections and a provision requiring voters to vote for a full slate. Anything less than a full slate was considered a spoiled ballot. The purpose of these discriminatory changes in election procedure resulted in the Black candidate, Dr. G.K. Butterfield, being defeated.

In 1959, another Black candidate ran for a seat on the City Council but was required to run in the new at-large election system and be subjected to the full slate requirement. The candidate, Reverend Talmage A. Watkins, was soundly defeated and his defeat was directly attributable to the new elections procedure. In response, the community retained Romallus Murphy to bring a voting lawsuit against the City of Wilson. Mr. Murphy litigated the case through the state courts and eventually argued the case before the United States Supreme Court. Though unsuccessful, the case was part of the record that convinced the Congress to enact the Voting Rights Act of 1965.

Mr. Speaker, Romallus Murphy served in the United States Air Force and was honorably discharged with the rank of Captain. He was assigned to Shaw Air Force Base, Sumter, South Carolina, Clovis Air Force Base, Clovis, New Mexico, and Japan.

Romallus Murphy served as President of Shaw College in Detroit, Michigan, for several years. He also practiced law in the capital city of Raleigh, North Carolina, with renowned civil rights lawyer, Samuel Mitchell. He currently practices law in Greensboro, North Carolina, where he serves a community that is appreciative of his work.

In 1987, Romallus Murphy was legal counsel to the North Carolina State Conference of Branches for the NAACP. He was part of the legal team that forced the State of North Carolina to create electoral opportunities for Black lawyers to become Superior Court Judges. His lawsuit was the catalyst that forced the General Assembly to create majority black judicial districts. As a result of this effort, at least eight African-American judges were elected to the Superior Court bench.

Currently, Romallus Murphy is a practicing attorney in Greensboro, North Carolina. He is a member of Genesis Baptist Church. He is married to Gale Bostic Murphy and he has six children: Natalie, Kim, Romallus Jr., Wynette, Verna, and Christian.

Mr. Speaker, placing this tribute into the CONGRESSIONAL RECORD is a great personal honor for me. I ask my colleagues to join me and the delegates to the North Carolina Conference in paying tribute to this courageous attorney who has worked to foster and continue our Nation's founding principle—that all men and women are created equal.

IN RECOGNITION OF NASHVILLE'S SCHERMERHORN SYMPHONY CENTER

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. COOPER. Mr. Speaker, Nashville has long been known as Music City. It is famous as the home of the Grand Ole Opry, the best place anywhere to hear the stars of country and bluegrass perform. Nashville is also the place to head if you want to kick back at a lively spot like Tootsie's Orchid Lounge for a night of sad songs and good times.

Now, Nashville has another reason to claim the title of Music City. It is home to a new symphony hall that is being heralded as a world class triumph. According to the Wall Street Journal, ''the $123 million, 1,860-seat concert hall is an architectural and acoustic gem and one of the most successful auditoriums built in a century.''

Nashville's new Schermerhorn Symphony Center opened September 9th to great reviews from the media and the community. Praised for its elegant neoclassical design and its superb acoustics, the project also won fans because it was on budget and on time. But Nashville is truly proud of our new hall because it recognizes the extraordinary talent and dedication of a gentleman who led the Nashville Symphony for more than 20 years, Maestro Kenneth Schermerhorn. Under his leadership, the Nashville Symphony was transformed from an orchestra that too often struggled for funding and stability into one now recognized as among the best in the nation. And, equally important, Nashville became a city that celebrates music in all its genres. In keeping with the tone set by Maestro Schermerhorn, the new symphony hall will present performances that showcase music from classical to pops, cabaret, choral, jazz, and blues and yes, even a country tune or two.

On Saturday, October 7th, the spirit of Maestro Schermerhorn will fill downtown Nashville. On this day, the new symphony hall that bears his name will open its doors to one and all for a day-long celebration of music and culture in true Music City style. On this one day, more than 600 musicians from the region will bring their talents to the stages and courtyards and many performance spaces that are part of the Schermerhorn Symphony Center. The Nashville Symphony will share the spotlight with the Fisk Jubilee Singers, the Belmont Bluegrass Ensemble, the Gypsy Hombres, Annie Selleck and the Tennessee State University Band, among others. Come early and stay all day. Whatever style of music you prefer, you will find it celebrated here at the Schermerhorn Symphony Center, and that is just the way the Maestro envisioned it.

Saturday, October 7th will be a special day in Nashville. But in our city, and at Schermerhorn Symphony Center, we are proud to say every day is special because every day we celebrate what it means to be Music City.

TRIBUTE TO IVY TECH COMMUNITY COLLEGE NORTHWEST AND SOUTH SHORE CLEAN CITIES, INC.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and pleasure that I stand before you to recognize Ivy Tech Community College Northwest and South Shore Clean Cities, Incorporated, as they join the National Alternative Fuels Training Consortium in hosting the 2006 National Alternative Fuel Vehicle (AFV) Day Odyssey. They, along with other community leaders, will come together on Thursday, October 12, 2006, at the Westfield Shoppingtown in Hobart, Indiana to explore alternatives to powering cars and trucks with gasoline and diesel throughout many locations across Northwest Indiana.

The National AFV Day Odyssey began in 2002. The mission of the National AFV Day Odyssey, which is vital to the protection of our environment for future generations of our country and the world, is to create awareness of alternative fuel and advanced technology vehicles. The first event reached more than 17,000 people at 51 sites nationwide. In 2004, nearly 25,000 people attended the 54 locations where the Odyssey events were held. Having continually grown in size and interest, this event will once again explore the environmental needs for AFV's in our country, and local participants will learn of alternative fuel options to protect the future of not only Northwest Indiana, but the rest of the nation as well.

On October 12, 2006, Ivy Tech Community College Northwest and South Shore Clean Cities, Incorporated will be educating participants on how alternative fuels can be part of the solution to America's environmental and energy needs. The day's events will include presentations, information, and games, as well as a special appearance by the Lindquist CNG

Race Team, a racing team that enhances the goals of National AFV Day by racing alternative fuel vehicles in high-profile races throughout the United States.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in recognizing and paying tribute to the National Alternative Fuels Training Consortium, Ivy Tech Community College Northwest, and South Shore Clean Cities, Incorporated as they strive to provide the tools and education for protecting our local and national interests in securing both the future of our environment and our Nation's energy independence.

THE SENTENCING FAIRNESS AND EQUITY RESTORATION ACT OF 2006

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. SENSENBRENNER. Mr. Speaker, today I introduce the ''Sentencing Fairness and Equity Restoration Act of 2006,'' to restore uniformity to Federal sentencing and reaffirm Congress' commitment to protecting our Nation's children.

This legislation addresses the Supreme Court's decision in *United States* v. *Booker,* 543 U.S. 220 (2005), which invalidated the mandatory sentencing requirement of the Sentencing Guidelines (18 U.S.C. section 3553(b)(1)), and struck down the de novo standard for appellate review of any downward departures in 18 U.S.C. Section 3742(e), which was enacted as part of the PROTECT Act in 2003.

On March 13, 2006, the U.S. Sentencing Commission issued its report on Booker's impact on Federal sentencing. The Sentencing Commission's report shows that unrestrained judicial discretion has undermined the very purposes of the Sentencing Reform Act, and jeopardizes the basic precept of our Federal court system that all defendants should be treated equally under the law.

The Federal Sentencing Guidelines are now advisory in all cases, even in those where they can be applied without any judicial fact-finding. Federal judges are now able to impose sentences outside the prescribed ranges, thereby undermining the very purpose of the Sentencing Reform Act to ''provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct.''

The PROTECT Act ensured that appropriate sentences would be administered to sex offenders, pedophiles, child pornographers, and those who prey on our children. Thus, I am troubled that the Commission's Report shows that these fundamental sentencing reforms have been effectively eliminated. That is neither good nor acceptable for justice and public safety.

Most alarming is the dramatic increase in departure rates for sex offenses including sexual abuse of a minor, sexual exploitation of a minor, and possession or trafficking in child pornography. Downward departures increased for these offenses to levels that had not existed since enactment of the PROTECT Act in 2003.

The Sentencing Commission's report shows that in the last year there has been a six-fold increase in below guideline range sentences for defendants convicted of sexual abuse of a minor, a five-fold increase in below guideline range sentences for defendants convicted of sexual exploitation of a child, a 50 percent increase in below guideline range sentences for defendants convicted of sexual contact of a minor, trafficking in child pornography, and possession of child pornography.

The report also shows an increase in overall departure rates for nearly all Federal offenses across all Federal jurisdictions, including drug trafficking offenses, firearms offenses, theft and fraud offenses, and immigration offenses. These four offense types comprise 75 percent of all Federal cases annually. According to current sentencing data, the rate of downward departures has not improved.

Shortly after the release of the Booker report, I expressed my concern for the increase in departures rates, particularly for sexual offenses, and promised a legislative response. The Sentencing Fairness and Equity Restoration Act directs the courts to impose a sentence at the minimum of the guideline range up to the statutory maximum and reinstates de novo review for all downward departures. The act also requires the Attorney General to create and implement a new policy for the filing of motions for departure for substantial assistance and report this policy to Congress within 180 days of enactment of the bill.

Mr. Speaker, I am introducing this legislation to restore equity in Federal sentencing and to ensure that tough sentences are handed out to all defendants, including sex offenders.

THE SENTENCING FAIRNESS AND EQUITY RESTORATION ACT OF 2006

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. This section provides that the Act may be cited as the ''Sentencing Fairness and Equity Restoration Act of 2006.''

Section 2. Reaffirmation of Intent of Congress in the Sentencing Reform Act of 1984.

Subsection (a). This subsection amends section 3553(b)(1) of title 18 to address the Supreme Court's holding in *United States* v. *Booker*, 543 U.S. 220 (2005). The Booker court ruled that the Sixth Amendment applies to the federal Sentencing Guidelines and noted that the Sixth Amendment implications hinged on the mandatory nature of the Guidelines, which are dependent on judicial fact-finding. Id. at 232. In a separate opinion, the Court excised the provision in section 3553(b) that instructed the court to ''impose a sentence of the kind, and within the range'' provided by the Guidelines.

This subsection amends the first sentence of section 3553(b)(1) to instruct that the sentencing court may not impose a sentence below the minimum of the guideline range unless the court finds the existence of a mitigating circumstance that is not adequately addressed by the Sentencing Guidelines. The amendment also instructs that the court may impose a sentence above the minimum of the guideline range up to the statutory maximum sentence.

Subsection (a) replaces the mandatory provision excised by the Court with a requirement that the court adhere to only the minimum of the guideline range established by the Sentencing Commission. This requirement, however, is not mandatory because the court may still depart from the minimum of the range in certain instances.

Subsection (a) also reaffirms Congress' intent in the Sentencing Reform Act of 1984 that the maximum sentence a judge may impose is the statutory maximum rather than the Guideline maximum. The Booker Court reasoned that because section 3553(b)(1) required courts to adhere to the sentencing guidelines, the ''maximum'' sentence authorized by law was, in fact, the Guideline maximum and not the statutory maximum. Amended section 3553(b)(1) removes the mandatory requirement from the sentencing statute. Thus, the court is not bound by the Guideline maximum and may impose a sentence up to the maximum authorized by statute.

Subsection (a) makes identical revisions to section 3553(b)(2).

Subsection (b). This subsection amends section 3553(c) to conform with subsection (a). Section 3553(c) continues to require the court to state for the record its reasons for imposing a particular sentence. The amendment does not change the ability of the court to receive information in camera pursuant to the Federal Rules of Criminal Procedure and requires the court to indicate for the record when such in camera information is received and relied upon for sentencing purposes. Finally, this subsection maintains current language regarding restitution and dissemination of sentencing transcripts.

Subsection (c). This subsection amends section 3742(e) of title 18 to re-establish the de novo appellate review standard for downward departures. In Booker, the Court also excised the de novo appellate review standard, which was enacted as part of the PROTECT Act, based upon its rationale that this section ''contains critical cross-references to the (now excised) §3553(b)(1) and consequently must be severed and excised for similar reasons.'' Id. at 247. The Court, however, provides no nexus between the de novo appellate standard of review and the Sixth Amendment right to a jury for sentencing. Moreover, having excised the mandatory sentencing provision in §3553(b)(I), the cross-reference to that section in §3742(e) carries no Sixth Amendment implications. Section 3742(e) merely outlines the criteria appellate courts use to review sentences.

Subsection (c) reasserts Congress' intent to reign in the increasing rate of reduced sentences, particularly for sexual offenses, expressed in the PROTECT Act. Pursuant to this amendment, the appellate courts will continue to review sentences below the minimum of the range de novo while maintaining Booker's reasonableness standard for all other sentencing appeals.

Section 3. Uniform National Standards for Downward Departures for Substantial Assistance. A significant result of the Booker decision is the spike in downward departures for substantial assistance imposed by the courts in the absence of a government motion. Substantial assistance motions are filed in instances where the defendant has provided the government with information relating to another investigation or prosecution. In reviewing this increase in sua sponte departures, the committee has learned that the government's standards for these motions vary from district to district, creating the potential for disparate treatment of similarly situated defendants.

This section, therefore, directs the Attorney General to implement a uniform policy for departure motions for substantial assistance, including the definition of substantial assistance in the investigation, the process for determining whether departure is warranted, and the criteria for determining the extent of departure. The amendment instructs the Attorney General to report the policy to Congress within 180 days of enactment of this Act.

Section 4. Assuring Judicial Administrative Responsibilities are Performed by the